



CITY OF MEMPHIS

COUNCIL AGENDA

August 24, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (August 10, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION commemorating the 90th Anniversary of Woman Suffrage.
Strickland

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS

2. RESOLUTION approving a planned development located on the south side of E. Shelby Drive; +/-482 feet east of Wemberley Drive, containing 9.05 acres in the Agricultural (AG) District.

Ford

Case No. PD 10-308cc

Applicant: Mid-South Christian College
McCaskill & Associates, Inc. – Representative

Request: Planned development to allow a seminary, including offices, chapel library, classrooms, student center and dormitories

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON AUGUST 13, 2010

3. RESOLUTION approving a planned development located on the southwest corner of Union Avenue and South Cooper Street, containing 1.448 acres in the Highway Commercial (C-L) and Duplex Residential (R-D) Districts.

Ford

Case No. PD 10-309

Applicant: Hart-Redd, LLC
SR Consulting, LLC (Cindy Reaves) – Representative

Request: A planned development to permit retail use, CVS Pharmacy

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

87 NOTICES MAILED ON AUGUST 13, 2010

4. RESOLUTION approving a street/alley closure time extension located on the west side of Jack Carley Causeway, extending to the Mississippi River and containing 1.34 acres.

Ford

Case No. SAC 07-607

Applicant: South of Fleet Street, LLC

Request: Approval of a one-year time extension for the closing of Fleet Street to comply with the previously-approved conditions of the closing

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

8 NOTICES MAILED ON AUGUST 13, 2010

5. RESOLUTION approving a street/alley closure beginning 180 feet south of Poplar Avenue between Alicia Street and Merton Street, containing .39 acre.

Ford

Case No. SAC 10-602

Applicant: Service Over Self, Incorporated and Abdo Sakaan

Request: Close an existing alley behind businesses that front Poplar Avenue from Alicia Street to Merton Street

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

58 NOTICES MAILED ON AUGUST 13, 2010

ZONING ORDINANCE – THIRD AND FINAL READING

(None)



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CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING

(None)

GENERAL ORDINANCES - SECOND READING

6. **ORDINANCE** to amend Chapter 2 Code of Ordinances, City of Memphis to amend Certain Sections of 2-291 Relating to Real Property, up for S E C O N D reading.
Conrad Ordinance No. 5375

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **ORDINANCE** to amend Chapter 9 of the City of Memphis Code of Ordinances to include Nondiscrimination based upon Sexual Orientation, Gender Identity or Expression, up for S E C O N D reading.
Fullilove Ordinance No. 5377

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING (None)

ZONING ORDINANCES - SECOND READING (None)

ENGINEERING (None)

NOTATIONS FROM OPD (None)

NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE:



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MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11412, Drug and Alcohol Collection Provider, to True Test Collection of Memphis, LLC, in the funded amount of \$120,000.00.
9. RESOLUTION approving Change No. 4 to Contract No. 11191, Television Production and Broadcast Services, with Media Source in the funded amount of \$38,685.00. (This renews the contract for the third of four renewal terms, September 15, 2010 to September 14, 2011, for post-production/video-editing services of six bi-monthly episodes of Memphis Energized, video production services, including on-location filming and in-studio filming at Media Source).
10. RESOLUTION awarding contract for upgrade to the Lane Passport faxing system to LANE Telecommunications, Inc. in the amount of \$30,492.00.
11. RESOLUTION awarding contract for one boom lift to H & E Equipment Services, Inc. in the amount of \$95,821.00.
12. RESOLUTION awarding contract for 900-MHz remote radios to Tessco, Inc. in the amount of \$124,533.08.
13. RESOLUTION approving payment of annual facility maintenance fee for public water systems to Treasurer, State of Tennessee for the Tennessee Department of Environment and Conservation in the amount of \$125,126.75.



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REGULAR AGENDA

14.
Strickland

APPOINTMENTS

Memphis Area Transit Authority

Reappointment

Charles Pickard

Memphis City Beautiful Commission

Appointments

Drew Daniel
Bethany Smith
Daphne Thomas
Sheila M. Wright

Reappointments

Ginger Acuff
Jake E. Allen, Jr.
John J. Conway Sr.
Christian D. Davis
Sutton Mora-Hayes
Cynthia Magallon Puljic
Frederick "Ted" McLaughlin

GENERAL ORDINANCES -THIRD AND FINAL READING

15. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the first General State Election to be held November 2, 2010, up for T H I R D and F I N A L reading.

Halbert

Ordinance No. 5373

ACTION REQUESTED: Take whatever action Council deems advisable

16. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include costs and add notification process of alarm user operating without a permit, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5374

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION

17. RESOLUTION amending the FY 2011 Operating Budget to allocate and appropriate \$20,000.00 to provide for costs associated with implementing the CISRS and staff to coordinate with the divisions to begin using Child Impact Statements.

Conrad

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION appropriating \$65,000.00 for CIP Project IS01071, Weights/Measures Billing SW which was approved by City Council in the FY2011 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

19. RESOLUTION appropriating \$250,000.00 for CIP Project IS01069, Enterprise Email Upgrade which was approved by City Council in the FY2011 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION appropriating \$350,000.00 for CIP Project IS01067, ADA Accessibility Routing which was approved by City Council in the FY2011 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

21. RESOLUTION appropriating \$700,000.00 for CIP Project IS01059, Traffic Signs Inventory Assessment and Information Management System, which was approved by City Council in the FY2011 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

22. RESOLUTION appropriating \$850,000.00 for CIP Project IS01062, Telephone Systems Upgrade and Replacement, which was approved by City Council in the FY2011 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION appropriating \$1,106,396.00 for CIP Project IS01072, Radio Banding which was approved by City Council in the FY2011 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION appropriating \$2,000,000.00 for CIP Project IS01007, Replace Obsolete Equipment (Enterprise), which was approved by City Council in the FY2011 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (None)

DIVISION OF FIRE SERVICES

25. RESOLUTION accepting and appropriating \$321,221.00 in Federal Grant funds from the Department of Homeland Security for the Division of Fire Services for a total appropriation of \$321,221.00.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

26. RESOLUTION urging TVA to implement a specific energy efficiency plan that will reduce electric consumption by 1% each year for the next five years.

Boyd

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

27. RESOLUTION transferring funds from Police Services' Drug Enforcement State reserve account to its vehicle account for the purchase of 15 vehicles for 9 precincts for Fiscal Year 2011 in the amount of \$465,000.00.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (None)

DIVISION OF PUBLIC WORKS (None)

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

28. **ORDINANCE** to amend Chapter 5, Animals and Fowl, Section 5-60 of the Code of Ordinances, City of Memphis, to require dog restraints by tie-outs or overhead cables to be in addition to traditional fencing and that dogs restrained by tie-outs or overhead cable runs be spayed or neutered, up for F I R S T reading.

Consent

Ordinance No. 5378

ACTION REQUESTED: Adopt the ordinance on First reading

29. **ORDINANCE** to amend Chapter 5, Animals and Fowl, Article III.5, Dangerous/Vicious Animals, of the Code of Ordinances, City of Memphis, to require sterilization of dogs who have bitten and declare vicious dogs who have bitten once and been found running at large twice, up for F I R S T reading.

Consent

Ordinance No. 5379

ACTION REQUESTED: Adopt the ordinance on First reading

30. **ORDINANCE** to amend Chapter 5, Animals and Fowl, of the Code of Ordinances, City of Memphis, to require mandatory spaying and neutering of cats and dogs weighing thirty pounds or more, up for F I R S T reading.

Consent

Ordinance No. 5380

31. **ORDINANCE** to amend the text of the Zoning Ordinance, by adopting the Midtown District Overlay as a Zoning Text Amendment, up for F I R S T reading.

Consent

Ordinance No. 5381

Case No. ZTA 10-001cc

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the Ordinance on First reading

32. **ORDINANCE** to adopt the Comprehensive Rezoning, up for F I R S T reading as follows:

Consent

Ordinance No. 5382

Case No. Z 10-112

- Amend the Official Zoning Map by adopting the proposed boundaries for the Midtown District Overlay. The Midtown District Overlay includes proposed Shop front, Pedestrian, Urban or Transitional Frontage Designations for segments of Cooper, Young, Central, Union, Madison and East Parkway
- Rezone a segment of Cooper Street and Central Avenue and the northeast corner of Southern Avenue and Cooper Street from the Highway Commercial (C-H) District to the Local Commercial (C-L) District

ADD-ONS CONT'D

- Rezone the southwest corner of Central Avenue and Cooper Street from the Light Industrial (I-L) District to the Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

33. Eligibility list for temporary appointments to the Memphis and Shelby County Board of Adjustment.

Strickland

Memphis-Shelby County Board of Adjustment

Olliette Murry-Drobot
Andre D. Jones
Timothy D. Rainey

Loyal Featherstone
Robert Norcross
Margaret Pritchard
Mary Sharp
James Toles
Emily Trenholm
Roslyn Willis
Mark Yates

34. RESOLUTION accepting grant funds in the amount of \$2,807,161 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Youth Funds.

Conrad

ACTION REQUESTED: Adopt the resolution

35. RESOLUTION appropriating \$1,000,000.00 for CIP Project Number IS01068, Enterprise Asset Management System which was approved by City Council in the FY2011 CIP Budget.

Conrad

ACTION REQUESTED: Adopt the resolution

ADD-ONS CONT'D

36. RESOLUTION amending the FY2011 Operating Budget to accept and appropriate grant funds in the amount of \$619,735.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title Dislocated Worker Funds. Resolution also amends the FY2011 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION accepting grant funds in the amount of \$434,992.00 from the State of Tennessee Department of Labor and Workforce Development Division for WIA Title I Adult Funds. Resolution also amends the FY2011 Operating Budget to establish and appropriate grant funds.

Conrad

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION accepting grant funds in the amount of \$28,000.00 from the Tennessee Historical Commission for the Memphis Music National Register multiple properties nominations with at least 2 individual property nominations. Resolution also amends the FY2011 Operating Budget to establish and appropriate grant funds and matching funds in the amount of \$11,200.00.

Conrad

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION authorizing the use of Economic Development Funds by Memphis Center City Revenue Finance Corporation (CCRFC) for the purpose of acquiring the parking facility adjacent to One Commerce Square Office Tower for use by Pinnacle employees and general public and to authorize us by CCRFC of Pilot Extension Funds as a loan to Downtown Parking Authority (DPA) for the undertaking of improvements to the parking facility.

Conrad

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION amending the FY2011 Operating Budget to re-instate the prior year funding level of the Tuition Reimbursement Program by transferring an allocation and appropriation of \$902,211.00 across the Human Resources Division legal levels and operating categories.

Strickland

NO RECOMMENDATION

ADD-ONS CONT'D

41. RESOLUTION prorating tax assessments for FY2011 for the City of Memphis residents affected by the 2010 floods.

Morrison

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION by the Memphis City Council supporting a similar incentive proposal to provide Pinnacle the means necessary to continue its operations in Memphis, regardless of the location.

Flinn

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 – Approved
3. Approved, as amended
4. Through 6 – Approved
7. Dropped
8. Through 14 – Approved
15. Failed
16. Held to September 14, 2010
17. Approved, as amended
18. Through 39 – Approved
40. Held to September 14, 2010
41. and 42 – Approved

ACTION TAKEN ON THE MINUTES OF AUGUST 10, 2010

Approved, as amended

ACTION TAKEN ON THE MINUTES OF AUGUST 24, 2010 FOR ITEMS 39, 41 & 42 ONLY:

Approved